



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,805	02/27/2004	Michael D. Smith	418268001US	5629
45979	7590	09/17/2008	EXAMINER	
PERKINS COIE LLP/MSFT			STRODER, CARRIE A	
P. O. BOX 1247				
SEATTLE, WA 98111-1247			ART UNIT	PAPER NUMBER
			4154	
			MAIL DATE	DELIVERY MODE
			09/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/789,805	SMITH ET AL.	
	Examiner	Art Unit	
	CARRIE A. STRODER	4154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 February 2008 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

Art Unit: 4154

DETAILED ACTION

1. This is in response to the applicant's communication filed on 27 February 2004, wherein:

Claims 1-30 are currently pending.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method and System for Remote Monitoring and Control of an Application.

3. The disclosure is objected to because of the following informalities:

- a. Paragraph 8 does not make sense as written;
- b. Paragraph 49, sentence 1 should read "...certain number of services."

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities: the claim should read "...and under control of a runtime environment..." Appropriate correction is required.

5. Claim 4 is objected to because of the following informalities: the claim as written is dependent on itself.

Art Unit: 4154

Examiner assumes applicant intended the claim to be dependent on claim 1. Appropriate correction is required.

6. Claim 21 is objected to because of the following informalities: the claim should read "...service consumer requests of the service provided..." Appropriate correction is required.

7. Claim 23 is objected to because of the following informalities: the claim should read "...the system comprising..."

8. Claim 25 is objected to because of the following informalities: the claim should read "The system of claim 24..."

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claims 10-11, 14-15, 17-20, 22-24, 26, and 28-29 are rejected** under 35 U.S.C. 102(e) as being anticipated by Maso et al. (US 7028225).

Referring to claim 10:

Art Unit: 4154

Maso discloses a method for apprising a service provider when an application that uses services of a service provider is misbehaving (col. 2, lines 21-26), the method comprising:

providing an indication of misbehavior for the application; and under control a runtime environment, when the application requests a service of the service provider col. 3, lines 58-60, i.e. system failure is construed as an indication of misbehavior),

requesting the service provider to provide the service; and when the application behaves in accordance with the indication of misbehavior, notifying the service provider that the application is misbehaving (col. 3, lines 29-45-56); and

prohibiting execution of the application (col. 7, lines 29-37).

Referring to claim 11:

Claim 11 is dependent on claim 10; therefore the rejection of claim 10 is incorporated herein. Maso further discloses wherein the indication of misbehavior is exceeding a number of requests for services of the service provider (col. 2, line 45-48).

Referring to claim 14:

Art Unit: 4154

Claim 14 is dependent on claim 10; therefore the rejection of claim 10 is incorporated herein. Maso further discloses wherein the service provider aggregates notifications provided by different consumer systems to determine whether the application should be authorized to request services of the service provider (col. 16, lines 12-19).

Referring to claim 15:

Claim 15 is dependent on claim 10; therefore the rejection of claim 10 is incorporated herein. Maso further discloses wherein the service provider aggregates notifications provided by a consumer system to determine whether the consumer system should not be authorized to request services of the service provider (col. 16, lines 12-30).

Referring to claim 17, the rejection of claim 10 is incorporated herein.

Maso discloses a method of a service provider for determining whether an application should not be authorized to request services of the service provider, the method comprising:

when service consumers determine that the application is misbehaving, receiving notifications of the misbehavior from the service consumers;

Art Unit: 4154

determining whether a condition of misbehavior is satisfied based on the received notification from different consumers; and

when a service request is received to provide services to the application and it is determined that the condition of misbehavior is satisfied, refusing to provide the requested service (col. 2, line 64 thru col. 4, line 9 and col. 7, lines 29-37).

Referring to claim 18:

Claim 18 is dependent on claim 17; therefore the rejection of claim 17 is incorporated herein. Maso further discloses wherein the condition of misbehavior is when multiple service consumers provide notifications that the application has attempted to exceed an established limit of requests for services from the service provider (col. 2, line 64 thru col. 4, line 9 and col. 7, lines 29-37).

Referring to claim 19:

Claim 19 is dependent on claim 17; therefore the rejection of claim 17 is incorporated herein. Maso further discloses including receiving from another service provider a notification that the application is misbehaving wherein the condition of misbehavior is satisfied based on the notification received from

Art Unit: 4154

another service provider (col. 2, line 64 thru col. 4, line 9 and col. 7, lines 29-37).

Referring to claim 20:

Claim 20 is dependent on claim 17; therefore the rejection of claim 17 is incorporated herein. Maso further discloses including notifying service consumers that the application is not authorized to request services of the service provider (col. 7, lines 29-37).

Referring to claim 22:

Claim 22 is dependent on claim 17; therefore the rejection of claim 17 is incorporated herein. Maso further discloses wherein the condition of misbehavior is based on an aggregation of the service consumer notifications (col. 16, lines 12-19).

Referring to claim 23, the rejection of claim 10 is incorporated herein.

Maso discloses a computer system for providing notification to a service provider that an application is misbehaving, the method comprising:

a component that installs the application on the service consumer and establishes an indication of misbehavior for the application; and

a runtime environment that requests the service provider to provide a service when the application requests a service of the

Art Unit: 4154

service provider, and that notifies the service provider that the application is misbehaving when the application behaves in accordance with the indication of misbehavior (col. 2, line 64 thru col. 4, line 9 and col. 7, lines 29-37).

Referring to claim 24:

Claim 24 is dependent on claim 23; therefore the rejection of claim 23 is incorporated herein. Maso further discloses including prohibiting execution of the application when the application behaves in accordance with the indication of misbehavior (col. 2, line 64 thru col. 4, line 9 and col. 7, lines 29-37).

Referring to claim 26:

Claim 26 is dependent on claim 23; therefore the rejection of claim 23 is incorporated herein. Maso further discloses wherein the indication of misbehavior is exceeding a number of requests for services of the service provider (col. 2, line 64 thru col. 4, line 9 and col. 7, lines 29-37).

Referring to claim 28:

Claim 28 is dependent on claim 23; therefore the rejection of claim 23 is incorporated herein. Maso further discloses wherein the service provider aggregates notifications provided by different consumer systems to determine whether the

Art Unit: 4154

application should be authorized to request services of the service provider (col. 16, lines 12-19).

Referring to claim 29:

Claim 29 is dependent on claim 23; therefore the rejection of claim 23 is incorporated herein. Maso further discloses wherein the service provider aggregates notifications provided by a consumer system to determine whether the consumer system should not be authorized to request services of the service provider (col. 16, lines 12-30).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 1, 3, 4, and 7-9 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Choate (US 20010054026) in view of Maso et al. (US 7028225).

Referring to claim 1:

Choate discloses a method comprising:

Art Unit: 4154

when installing an application, establishing a limit on services of a service provider that the application is authorized to use (paragraph 31); and

under control a runtime environment, providing the application with access to the established limit (paragraph 31);

when the application requests a service of the service provider, determining whether the request would exceed the established limit (paragraph 31);

Choate does not disclose, but Maso does disclose:

when it is determined that the request would not exceed the established limit, requesting the service provider to provide the service (col. 2, line 64 thru col. 4, line 9 and col. 7, lines 29-37); and

when it is determined that the request would exceed the established limit,

notifying the service provider that the application is misbehaving (col. 2, line 64 thru col. 4, line 9 and col. 7, lines 29-37); and

prohibiting execution of the application on the consumer system (col. 2, line 64 thru col. 4, line 9 and col. 7, lines 29-37).

Art Unit: 4154

One of ordinary skill in the art would look to the prior art for suggestions on how to make improvements in a system for determining if an application is misbehaving. Therefore, the combined teachings of Choate and Maso would render claim 1 obvious because a person of ordinary skill in the art would find sufficient motivation to combine the prior art references in a manner, with a reasonable expectation of success, to achieve the claimed invention.

Referring to claim 3:

Claim 3 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Choate discloses including before completing installation of the application determining whether the application is authorized to request services of the service provider (paragraph 27).

Referring to claim 4:

Claim 4 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Choate discloses wherein the consumer system requests the service provider to indicate whether the application is authorized (paragraph 28).

Referring to claims 7-9:

Claims 7-9 are dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Choate discloses

Art Unit: 4154

wherein the limit is established by a user of the consumer system (paragraph 31); wherein the limit is established based on published requirements of the application (paragraph 31); and wherein multiple service providers can provide equivalent services and the application can requests services one of those service providers as designated by the consumer system (paragraph 26).

13. **Claims 13, 16, 21, 27, and 30 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Maso et al. (US 7028225) in view of Choate (US 20010054026).

One of ordinary skill in the art would look to the prior art for suggestions on how to make improvements in a system for determining if an application is misbehaving. Therefore, the combined teachings of Maso and Choate would render claims 13, 16, 21, 27, and 30 obvious because a person of ordinary skill in the art would find sufficient motivation to combine the prior art references in a manner, with a reasonable expectation of success, to achieve the claimed invention.

Referring to claim 13:

Claim 13 is dependent on claim 10; therefore, the rejection of claim 10 is incorporated herein. Maso does not disclose, but

Art Unit: 4154

Choate does disclose including before installing the application determining whether the application is authorized to request services of the service provider (paragraph 27).

Referring to claim 16:

Claim 16 is dependent on claim 10; therefore, the rejection of claim 10 is incorporated herein. Maso does not disclose, but Choate does disclose wherein the limit is established by a user of a consumer system (paragraph 31).

Referring to claim 21:

Claim 21 is dependent on claim 20; therefore, the rejection of claim 20 is incorporated herein. Maso does not disclose, but Choate does disclose wherein a service consumer requests the service provider whether the application is authorized (paragraph 27).

Referring to claim 27:

Claim 27 is dependent on claim 23; therefore, the rejection of claim 23 is incorporated herein. Maso does not disclose, but Choate does disclose including a component that, before installing the application, determines whether the application is authorized to request services of the service provider (paragraph 27).

Referring to claim 30:

Art Unit: 4154

Claim 30 is dependent on claim 23; therefore, the rejection of claim 23 is incorporated herein. Maso does not disclose, but Choate does disclose wherein the limit is established by a user of a service consumer (paragraph 31).

14. **Claim 2 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Choate (US 20010054026) in view of Maso et al. (US 7028225) and further in view of Davis et al. (US 20030135509).

Claim 2 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Choate and Maso do not disclose, but Davis does disclose wherein the prohibiting includes uninstalling the application (paragraph 64).

One of ordinary skill in the art would look to the prior art for suggestions on how to make improvements in a system for determining if an application is misbehaving. Therefore, the combined teachings of Choate, Maso, and Davis would render claim 2 obvious because a person of ordinary skill in the art would find sufficient motivation to combine the prior art references in a manner, with a reasonable expectation of success, to achieve the claimed invention.

Art Unit: 4154

15. **Claims 12 and 25 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Maso et al. (US 7028225) in view of Davis et al. (US 20030135509).

Referring to claim 12:

Claim 12 is dependent on claim 10; therefore, the rejection of claim 10 is incorporated herein. Maso does not disclose, but Davis does disclose wherein the prohibiting includes uninstalling the application (paragraph 64).

One of ordinary skill in the art would look to the prior art for suggestions on how to make improvements in a system for determining if an application is misbehaving. Therefore, the combined teachings of Maso and Davis would render claim 12 obvious because a person of ordinary skill in the art would find sufficient motivation to combine the prior art references in a manner, with a reasonable expectation of success, to achieve the claimed invention.

Referring to claim 25:

Claim 25 is dependent on claim 23; therefore, the rejection of claim 23 is incorporated herein. Maso does not disclose, but Davis does disclose wherein the prohibiting includes uninstalling the application (paragraph 64).

One of ordinary skill in the art would look to the prior art for suggestions on how to make improvements in a system for

Art Unit: 4154

determining if an application is misbehaving. Therefore, the combined teachings of Maso and Davis would render claim 25 obvious because a person of ordinary skill in the art would find sufficient motivation to combine the prior art references in a manner, with a reasonable expectation of success, to achieve the claimed invention.

16. **Claims 5 and 6 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Choate (US 20010054026) in view of Maso et al. (US 7028225) and further in view of Barnes (US 20030220835).

Claims 5 and 6 are dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein.

Choate and Maso do not disclose, but Barnes does disclose wherein the service provider aggregates notifications provided by different consumer systems to determine whether the application should be authorized to request services of the service provider (paragraph 77) and wherein the service provider aggregates notifications provided by the consumer system to determine whether the consumer system should not be authorized to request services of the service provider (paragraph 77).

One of ordinary skill in the art would look to the prior art for suggestions on how to make improvements in a system for determining if an application is misbehaving. Therefore, the

Art Unit: 4154

combined teachings of Choate, Maso, and Davis would render claims 5 and 6 obvious because a person of ordinary skill in the art would find sufficient motivation to combine the prior art references in a manner, with a reasonable expectation of success, to achieve the claimed invention.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Cline (US 5313616);
- b. Christensen et al. (US 5333304);
- c. Anderholm et al. (US 20050183143);
- d. Motoyama et al. (US 7131070); and
- e. Bunch et al. (US 6795856).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE A. STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 7:00 a.m. - 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on

Art Unit: 4154

(571)272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/
Examiner, Art Unit 4154

/Vu Le/
Supervisory Patent Examiner, Art Unit
4154